

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HOLLY GREGORY, MATTHEW POTTER,
and ASTRID HALTEN, individually and
on behalf of all others similarly situated,

Plaintiff,

-against-

Civil Action No.
7:14-cv-00033-TJM-ATB

STEWART'S SHOPS CORP.,

Defendant.

**NOTICE OF JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS AND
COLLECTIVE ACTION SETTLEMENT AND APPROVAL OF PROPOSED NOTICE
OF SETTLEMENT**

NOW COMES Plaintiffs Holly Gregory, Matthew Potter, and Astrid Halten, individually and on behalf of all others similarly situated, through counsel ("Plaintiffs"), and Defendant Stewart's Shops Corp. ("Stewart's"), through counsel, and for their joint motion for preliminary approval of class and collective action settlement and approval of proposed notice of settlement, state as follows:

1. In accordance with the attached Memorandum of Law and subject to Court approval, Plaintiffs and Stewart's seek approval of their settlement for this class and collective action brought under the Fair Labor Standards Act ("FLSA") and New York Labor Law ("NYLL").

2. The proposed settlement satisfies all of the criteria for preliminary approval of the claims governed by Rule 23 of the Federal Rules of Civil Procedure for the reasons set forth in the attached Memorandum of Law, and the Court will have a final opportunity to assess the

fairness of the settlement and the requests for attorneys' fees in connection with the anticipated motion for final approval and the final approval hearing. In addition, the proposed settlement satisfies all of the criteria for approval of the settlement of the FLSA claims asserted by the Plaintiffs and those individuals who have filed a consent form to opt into this action, as reflected on the Court's docket (the "Opt-in Plaintiffs").

3. An un-redacted copy of the Stipulation of Settlement and all supporting papers are being submitted to the Court's email inbox for an *in camera* review.

4. Accordingly, for the reasons stated in the attached Memorandum of Law, the Parties respectfully request that the Court: (1) grant preliminary approval of the Joint Stipulation of Settlement and Release (the "Stipulation of Settlement"); (2) approve the Notices of Proposed Class Action Settlement and Final Settlement Approval Hearing (the "Notices") and direct their distribution as provided by the Stipulation of Settlement; and (3) approve the use of a Claims Administrator to distribute the Notices and administer the claims process as set forth in the Stipulation of Settlement.

Respectfully Submitted,

Dated: May 17, 2019

E. STEWART JONES
HACKER MURPHY, LLP

/s/ _____
David I. Iversen, Esq.
Ryan M. Finn, Esq., of counsel
28 Second Street
Troy, NY 12180
518.213.0115
Attorneys for Plaintiffs

JACKSON LEWIS P.C.

/s/ _____
William J. Anthony
Vincent E. Polsinelli
Stephanie L. Goutos
18 Corporate Woods Blvd.
Third Floor
Albany, New York 12211
Telephone: (518) 434-1300
Facsimile: (518) 427-5956
Attorneys for Defendant